

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

DEC 02 2014

JAMES W. MCDERMACK, CLERK
By: *DK Johnson*
DEP CLERK

**BUFFALO RIVER WATERSHED ALLIANCE;
ARKANSAS CANOE CLUB; NATIONAL PARKS
CONSERVATION ASSOCIATION; and
OZARK SOCIETY**

PLAINTIFFS

v.

No. 4:13-cv-450-DPM

**DEPARTMENT OF AGRICULTURE, Tom
Vilsack, in his official capacity as Secretary,
United States Department of Agriculture;
SMALL BUSINESS ADMINISTRATION,
Jean Hulit, in her official capacity as Administrator,
Small Business Administration, and Linda Nelson,
in her official capacity as Arkansas District Director,
Small Business Administration; and FARM SERVICE
AGENCY, Juan Garcia, in his official capacity as
Administrator, Farm Service Agency, and Linda
Newkirk, in her official capacity as Arkansas
State Executive Director, Farm Service Agency**

DEFENDANTS

ORDER

1. Pursuant to Federal Rule of Civil Procedure 65(d), and for the reasons stated at the end of the 16 October 2014 hearing and explained in the Court's resulting Order, No 58, the Court enters this permanent injunction.

2. The Farm Service Agency and the Small Business Administration are enjoined from making any payment on their loan guaranties to Farm Credit Services of Western Arkansas for that bank's loans to C&H Hog Farms, Inc.,

pending the Agencies' compliance with the National Environmental Policy Act and the Endangered Species Act. The Agencies shall comply with their obligations under both Acts, and all applicable regulations, by 2 December 2015. The Agencies shall consult (either formally or informally, as the circumstances require) with the U.S. Fish and Wildlife Service about C&H's potential effects on the endangered Gray Bat. When the Agencies make a new decision under the National Environmental Policy Act, and comply with the Endangered Species Act through a no-effect determination or a completion of consultation, the Agencies shall modify or void the loan guaranties as they deem appropriate in light of their revised and supplemented NEPA and ESA analyses.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

2 December 2014